

An Introduction to the U.S. Copyright Office



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TOPICS OF DISCUSSION

- Responsibilities of the U.S. Copyright Office
- Copyright Basics
- Copyright Registration
- Information and Other Resources



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Responsibilities of the U.S. Copyright Office



- The Copyright Office is an office of record, a place where claims to copyright are registered and where documents relating to copyright may be recorded when the requirements of the copyright law are met.
- The Copyright Office furnishes information about the provisions of the copyright law and the procedures for making registration, explains the operations and practices of the Copyright Office, and reports on facts found in the public records of the Office.

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Responsibilities of the U.S. Copyright Office



(continued)

- The Copyright Office provides expert assistance to Congress on intellectual property matters.
- Advises Congress on anticipated changes in the U.S. copyright law.
- Analyzes and assists in the drafting of copyright legislation and legislative reports and provides and undertakes studies for Congress.
- Offers advice to Congress on compliance with multilateral agreements such as the Berne Convention ⁴ for the Protection of Literary and Artistic works.

Responsibilities of the U.S. Copyright Office



(continued)

- Works with the State Department, the U.S. Trade Representative's Office and the Patent and Trademark Office in providing technical expertise in negotiations for international property agreements.
- Provides technical assistance to other countries in developing their own copyright laws.
- The Office also administers various compulsory licensing provisions of the law, which include collecting royalties.

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Responsibilities of the U.S. Copyright Office



(continued)

- The Copyright Office supports the Library of Congress collections.

FY 2007 transfers to other
departments of the Library :

Books – 248,746

Serial publications – 747,095

Motion pictures - 13,406

Computer works – 8,342

Musical works – 27,982

A total of \$ 45,012,293 worth
of materials transferred last
year.

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Mission of the Copyright Office

- *“ To promote creativity in society, by: administering the Copyright Law; creating and maintaining the public record through registration of claims and recordings of documents, including those related to compulsory licenses; providing technical assistance to Congress; providing information services to the public; serving as a resource to the domestic and international copyright communities; and, supporting the Library of Congress by obtaining and making available deposits for its collections.”*

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Constitutional Basis for the Copyright Law

“The Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries . . .”

Article I, Section 8, U.S. Constitution

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STATISTICS

- 33+million registrations 1790-2003
- 530,000+ registrations per year
- \$367+ million royalty & licensing fees collected and disbursed per year
- Multi-national treaties/agreements with most countries for mutual © protection

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COPYRIGHT BASICS

What is Copyright?

Bundle of exclusive rights granted the author respecting his original works:

- To reproduce
- To distribute
- To prepare derivative works based upon the original
- To perform or display the work publicly
- To publicly perform digital audio transmissions of sound recordings
- Proper attribution and preservation of integrity of visual art works

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SUBJECT MATTER OF ©



- Literary works
- Musical works
- Dramatic works
- Pantomime and Choreography
- Pictorial, Graphic, and Sculptural works
- Motion Pictures and other audiovisual works
- Sound Recordings
- Architectural works
- Original Compilations of data & pre-existing materials
- Computer programs

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NOT PROTECTED

- Works that have not been fixed in a tangible form
- Names, titles, short phrases, and slogans
- Familiar symbols, shapes or designs or coloring
- Lettering, fonts, calligraphy, mere variations of typographic ornamentation
- Ideas, methods, systems, concepts, principles, discoveries
- Devices or inventions

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NOT PROTECTED

(continued)

- U.S. Government works
- Government edicts and official legal documents
- Blank forms, format, layout
- Formulas, mere listings of ingredients or contents
- Historical facts
- Works consisting entirely of information that is common property and containing no original authorship

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DURATION OF © PROTECTION

- Works created after 1978:
Author lifetime plus 70 years
Works made for hire: 95 first publication/120 years creation, whichever shorter
- Works registered or published between 1923-1977:
1st Term-28 yrs
Renewal term-67 yrs
95 years total

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COPYRIGHT REGISTRATION

Securing Protection

- Automatic upon creation
- Registration with Copyright Office confers statutory benefits

Benefits of Registration:

- Establishes public record
- Required for infringement suit
- Prima facie evidence of validity
- Attorney's fees and statutory damages

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REGISTRATION PROCEDURE

- Completed application
- Nonrefundable filing fee
- Non-returnable deposit of the work:
 - 1 copy if unpublished
 - 2 copies if published

Registration is effective date of receipt



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RESOURCES

- Website: www.copyright.gov
FAQs, fill-in application forms, registration procedures,
publications, searches, what's new, text of © law and regulations
- Public Information Office
Phone: 202.707.3000; 202.707.5959
Email: copyinfo@loc.gov
- Bulk order of forms, contact:
Copyright Publications Section, LM-455
101 Independence Avenue S.E.
Washington, DC 20559-6000
Phone: 202.707.6804



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